

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM,)	
)	
Plaintiff,)	Civil Action No. 04-419 JJF
)	
v.)	
)	
STATE FARM INSURANCE COMPANY,)	
)	
Defendant.)	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION TO COMPEL SETTLEMENT**

1. The undersigned represented to the court at the scheduling conference on May 10, 2007 that attempts had been made to settle all of plaintiff's cases with State Farm. However, those settlement efforts were made by Edward Kafader of the Firm of Ferry, Joseph & Pearce who was representing the interest of State Farm in other actions. The undersigned was not involved in any settlement negotiations with plaintiff.

2. It was the understanding of the undersigned, however that no settlement had been reached. This was confirmed with Mr. Kafader.

3. Since it appears that there was no meeting of the minds between plaintiff and Mr. Kafader on behalf of all defendants regarding the amount or terms of the settlement, there is nothing for the court to enforce.

4. The undersigned understands further that the purpose of the settlement was to resolve all outstanding cases. Apparently the plaintiff does not understand the concept of a settlement because in her motion she states that even if the case is settled she intends to have the court rule on the indemnification issue and to proceed with further claims in Pennsylvania.

Plaintiff motion to enforce a settlement should be denied.

/s/ Stephen P. Casarino, Esq.
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Dated: June 5, 2007